

## REMARKS

### Claim Objections

Claims 1, 16 and 18 have been amended to overcome objection for informalities.

### 35 U.S.C. §112, second paragraph

Claims 12, 14 and 18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 12, 14, and 18 have been amended so that the claim language is consistent with the independent claim 16. It should be noted that claim 17 is amended for the same reason.

### 35 U.S.C. § 102(b)

Claims 1-5, 7, 12 and 16-19 are rejected under 35 U.S.C. § 102(b) as anticipated by Ecktmann et al. (USP 5,201,500). This rejection is respectfully traversed for the following reasons.

Independent claim 1 recites that one of the retainers has a bumper contact surfaced formed as a part of the retainer which contacts the other retainer when the airspring is collapsed. Thus, per the claim, the retainer and the bumper contact surface are formed together; i.e. cast, molded, formed, or made as a single piece. The air spring construction of Ecktmann fails to have such a construction. There is nothing in Ecktmann, in either text or drawings, that show the lower retainer 12 of Ecktmann having the bumper 20 being formed as part of the retainer 12. Ecktmann teaches that cap 34 is secured “by brazing at 35” to retainer 12 (col 4, lines 11-16); thus indicating that the lower retainer 12 of Ecktmann is metal as brazing is only performed to bond metal items to metal items. The bumper 20 of Ecktmann is formed of a high strength polyester elastomer or plastic (col 4, line 60+). There is nothing in Ecktmann which suggested forming the retainer plate 12 from a high strength polyester elastomer or plastic, and forming the bumper from metal would be contrary to the explicit teachings of Ecktmann to form a lighter weight bumper (col 5, line 9-18).

In the rejection of claim 1, the plate 12 and bumper 20 of Ecktmann are simply referred to as the “second retainer;” however, referring to these separately formed and mechanically joined elements as a single element does not make them so. Ecktmann does not teach forming

them as a single unit, as recited in claim 1.

Independent claim 16 recites that the air spring has a retainer having a centrally located axially outer surface that *extends into the chamber* during axial movement and *which contacts the other retainer* when the air spring is collapsed. Neither retainer 2, 12 of Ecktmann has a construction that permits one of the retainers to contact the other one when the air spring is collapsed. The upper retainer 2 of Ecktmann is a flat plate that does not extend into the chamber. The lower retainer 12 of Ecktmann has a bowl-like configuration wherein the highest part of the retainer is still below the highest part of the piston 3 and cannot extend into the air chamber of the air spring.

In the rejection, bumper 20 is referred to, in part, as the “second retainer” having a bumper contact surface, as done in the marked up drawing of Ecktmann provided in the rejection; however, as noted above, the bumper 20 is a separate element in the air spring of Ecktmann and is not part of the retainer 12. In the air spring art, the term “retainer” is a specific term – it is an element in the air spring art that retains an edge of an air spring sleeve; see US Patent 5,080,328. Furthermore, claim 16 recites that the second retainer cooperates with the piston to secure one end of the airspring sleeve. The bumper 20 of Ecktmann does not even contact the sleeve, much less cooperate to secure the sleeve end as required by the instant claim language, and thus would not be interpreted by one of ordinary skill in the art to be a retainer as instantly recited.

In order for a reference to fully anticipate a claim under 35 U.S.C. § 102, the reference must disclose each and every element of the claimed invention. Ecktmann fails to disclose either the bumper contact surface being formed as part of the retainer 12 or the retainer having any portion that extends into the air chamber of the piston that contacts the opposing retainer.

As Ecktmann et al. fails to anticipate the invention as recited in claims 1-5, 7, 12 and 16-19, it is respectfully requested that this rejection be withdrawn.

In paragraph 9 of the rejection, Applicant’s most recent response is held moot due to the amendment to the claims. This is even acknowledged in that very same response, so a further statement in the present rejection is superfluous.

### 35 U.S.C. § 103

Claims 6, 14, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Ecktmann et al. This rejection is respectfully traversed for the following reasons.

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ecktmann et al. in view of Koschinat et al. (USP 4,890,823). This rejection is respectfully traversed for the following reasons.

As Ecktmann fails to anticipate or render the subject matter of claim 1 obvious, than any rejection of the dependent claims based on Ecktmann also fails. The addition of Koschinat et al in regards to claims 8 and 9 fails to cure this deficiency of Ecktmann. It is requested that these § 103 rejections be reconsidered and withdrawn.

In light of the above arguments, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy T. Krawczyk', written over a horizontal line.

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